

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LYN AMERICAN HORSE, JR.,

Defendant.

CR 19–10–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on December 16, 2019. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommended this Court accept Lyn American Horse, Jr.’s

guilty plea after American Horse appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to assault resulting in serious bodily injury in violation of 18 U.S.C. §§ 1153(a) and 113(a)(6) (Count I), and assault with a dangerous weapon in violation of 18 U.S.C. §§ 1153(a) and 113(a)(3) (Count III) as charged in the Indictment.

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 25), and I adopt them in full.

Accordingly, IT IS ORDERED that Lyn American Horse, Jr.'s motion to change plea (Doc. 15) is GRANTED and Lyn American Horse, Jr. is adjudged guilty as charged in Counts I and III of the Indictment.

DATED this 3rd day of January, 2020.



Dana L. Christensen, Chief District Judge
United States District Court